

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL DAVID SILLS and MARY SILLS,)
Plaintiffs,)
v.) Case No. 3:23-cv-00478
SOUTHERN BAPTIST CONVENTION,) Chief Judge Campbell
et al.,) Magistrate Judge Frensley
Defendants.) JURY DEMAND

REPLY IN SUPPORT OF EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION'S MOTION FOR DISCOVERY CONFERENCE

In essence, Plaintiffs' Response to the Executive Committee's Motion for Discovery Conference (ECF No. 224) agrees that a discovery dispute exists on the deposition topics in Plaintiffs' Rule 30(b)(6) Notice of Deposition to the Executive Committee. Thus, the Executive Committee's motion should be granted, and the Court should set a discovery conference.

Plaintiffs then continue for 12 pages with a substantive response to the Executive Committee's objections, citing several exhibits, including some of the Executive Committee's confidential documents. The purported reason is that they believe, based on Local Rule 37.01(b), and notwithstanding the Court's Initial Case Management Order, that the Executive Committee was supposed to file a joint discovery dispute statement with its motion for a discovery conference. (ECF No. 224 at 1-2.) That said, just nine days before Plaintiffs' response, they filed a motion for a discovery conference under the same procedure that the Executive Committee followed, did not file a joint discovery dispute statement, and stated that the "parties can draft a joint discovery dispute statement about any or all of the topics in dispute, at the Court's request, per the Initial Case Management Order." (ECF No. 219 at 3.)

Despite Plaintiffs' inconsistent positions on what is required for a discovery conference, the Court's order is clear: file the motion for discovery conference, and then the Court may ask for a joint discovery dispute statement, as needed. (ECF No. 99 at 5; *see also* ECF No. 219 ¶ 14 (Plaintiffs taking consistent position).) The Court certainly has discretion to depart from Local Rule 37.01(b) in its initial case management order, as long as the Court's procedure to decide discovery disputes applies to both parties. *See Kaballah v. Krow*, No. 0:21-cv-82, 2024 WL 4805339, at *2 (E.D. Ky. Nov. 15, 2024) (appeal filed Dec. 11, 2024) (citing *S.S. v. E. Ky. Univ.*, 532 F.3d 445, 451 (6th Cir. 2008)) (application of local rules are within the “district court’s discretion”). The discovery dispute statement is meant to be an efficient way for the Court to review and decide the discovery dispute, and if the Court wants to have a conference before deciding whether it needs additional briefing on an issue, its decision should be enforced.

For these reasons, the Executive Committee will not substantively respond to Plaintiffs' improper legal arguments in their response to the Motion for Discovery Conference. If the Court would like substantive briefing on any or all topics, the Executive Committee can either file a supplemental brief, or work with Plaintiffs to draft a joint discovery dispute statement, as contemplated in the Local Rules and the Court's Initial Case Management Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, I filed the foregoing *REPLY IN SUPPORT OF EXECUTIVE COMMITTEE OF THE SOUTHERN BAPTIST CONVENTION'S MOTION FOR DISCOVERY CONFERENCE*:

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